

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

JUN 11 2001

Total Number of Pages in this Submission

Application Number

09/765166

N 03 60 #3

Filing Date

01/18/2001

First Named Inventor

Ronald A. Fial et al.

Group Art Unit

2838

Examiner Name

Attorney Docket Number

2000-0276

**Enclosures (check all that apply)**

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment / Response  
☐ After Final  
☐ Affidavits / Declaration(s)  
☐ Petition for Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts under 37.CFR 1.52 or 1.53  
☐ Response to Missing Parts/Incomplete Application

- ☐ Assignment & Recordation Cover Sheet  
☐ Drawing(s) & Letter to Official Draftsman  
☐ Licensing-related Papers  
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition  
☐ Petition to Convert a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund

- ☐ After Allowance Communication to Group  
☐ Appeal Communications to Board of Appeals and Interferences  
☐ Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Return Receipt Postcard  
☒ Additional enclosure(s) (please identify below)

Copy of Notice of Omitted Item(s)  
In A Nonprovisional Application

Remarks

**CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

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or ☒ Correspondence address below

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

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SIGNATURE

DATE 6/7/01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Type or Printed Name

Joanne Bowman

Signature

Joanne Bowman

Date

6/8/01

SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/765,166         | 01/18/2001          | Ronald A. Fial        | 2000-0276              |

CONFIRMATION NO. 7479

## FORMALITIES LETTER



\*OC000000005933921\*

Samuel H. Dworetsky  
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Date Mailed: 04/04/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be 'af', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE